

Remarks

Reconsideration of this Application is respectfully requested.

Upon entry of the foregoing amendment, claims 1-26 and 28-32 are pending in the application, with 1, 7, 12, 15, 17, 18, 19, 20, 23, 24, 25, 28, 31, and 32 being the independent claims. Claims 1-14, 17, 18, 20, 23-26, and 28-32 are allowed. Claims 15 and 19 are sought to be amended. Applicants submit that this amendment places the application in condition for allowance, and does not raise any new issues requiring further search or consideration. These changes are believed to introduce no new matter, and their entry is respectfully requested.

Based on the above amendment and the following remarks, Applicants respectfully request that the Examiner reconsider all outstanding objections and rejections and that they be withdrawn.

Rejections under 35 U.S.C. § 103

In the Office Action, claims 15-16, 19, and 21-22 were rejected under 35 U.S.C. §103(a) as being unpatentable over Jennings, et al, U.S. Patent Publication No. 2004/0025186 (Jennings) in view of Smith, et al, U.S. Patent Publication No. 2002/0133247 (Smith), and Fukushima, et al, U.S. Patent Publication No. 2003/0009717 (Fukushima). Applicants respectfully traverse this rejection.

In order to establish a prima facie case of obviousness, the prior art references when combined must teach or suggest all the claim limitations. The combination of Jennings, Smith, and Fukushima does not teach or suggest all of the claim limitations of Applicants amended independent claims 15 and 19. In the Office Action, the Examiner stated that although the combination of Jennings and Smith "does not disclose that the

network interface controller keeps header information of IP/RTP packets," this limitation is disclosed in Fukushima. Applicants respectfully disagree with the Examiner.

The embodiment of Fukushima relied upon by the Examiner is a modification of a system and method for packet selective retransmission control by a data transmission system. (Fukushima, para. [0125] and para. [0132]). Specifically, the embodiment of Fukushima describes the storage and insertion of sequence numbers into packets in a data stream for transmission by the data transmission apparatus 101. (Fukushima, para. [0133]). The maintenance of the correct sequence numbers within a single data stream associated with one session, as taught in Fukushima, has traditionally been a common protocol requirement. However, Fukushima does not teach or suggest the maintenance of correct RTP sequence numbers in a session while switching between multiple audio streams.

Thus, the combination of Jennings, Smith, and Fukushima does not teach or suggest a "system for noiselessly switching audio provided in a session on an egress audio channel over a network" comprising "a packet switch ... and a network interface controller coupled to said packet switch, wherein ... said packet switch switches said first internal audio stream of egress packets and said second internal audio stream of egress packets for delivery to said network interface controller which controls the transmission of synchronous packets carrying audio from the first and second internal audio streams on the egress audio channel for the session over the network, and said network interface controller keeps header information of IP/RTP packets associated with said egress packets for the session in sequence," as recited in amended independent claim 15.

Furthermore, the combination of Jennings, Smith, and Fukushima does not teach or suggest a "system for noiselessly switching audio provided in a session on an egress audio channel over a network" comprising "a packet switch ... and a network interface controller coupled to said packet switch, wherein ... said second internal audio source generates a second internal audio stream of egress packets, wherein each egress packet includes a payload carrying audio and control header information, said packet switch switches said first audio stream of egress packets and said second audio stream of egress packets for delivery to said network interface controller, and said network interface controller keeps header information of IP/RTP packets associated with said egress packets for the session in sequence," as recited in amended independent claim 19.

For at least these reasons, independent claims 15 and 19 are patentable over the combination of Jennings, Smith, and Fukushima. Claims 16, 19, 21, and 22 depend from claim 15. For at least the above reasons and further in view of their own features, claims 16, 19, 21, and 22 are patentable over the combination of Jennings, Smith, and Fukushima. Reconsideration and withdrawal of this rejection is therefore respectfully requested.

Conclusion

All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding objections and rejections and that they be withdrawn. Applicants believe that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for

allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment and Reply is respectfully requested.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



Lori A. Gordon
Attorney for Applicants
Registration No. 50,633

Date: March 10, 2006

1100 New York Avenue, N.W.
Washington, D.C. 20005-3934
(202) 371-2600

486947_1.DOC